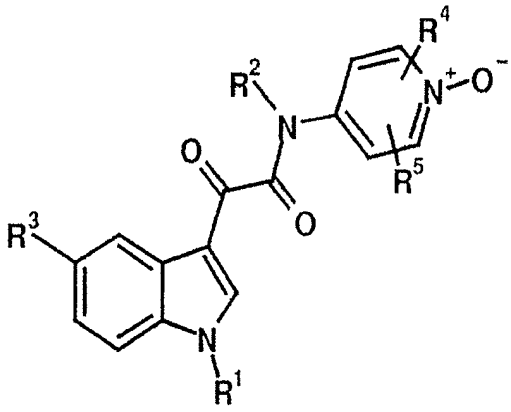
IN THE CLAIMS

1. (currently amended)A compound of ~~the~~ formula 1 ~~1~~



(1)

wherein

~~in which~~

R^1

(i) is $-C_{1-10}$-alkyl, straight-chain or branched-chain, optionally mono- or polysubstituted by –OH, -SH,
$-NH_2$, $-NHC_{1-6}$-alkyl, $-N(C_{1-6}\text{-alkyl})_2$, $-NHC_{6-14}$-aryl,
$-N(C_{6-14}\text{-aryl})_2$, $-N(C_{1-6}\text{-alkyl})(C_{6-14}\text{-aryl})$, $-NO_2$,
-CN, -F, -Cl, -Br, -I, $-O-C_{1-6}$-alkyl, $-O-C_{6-14}$-aryl, $-S-C_{1-6}$-alkyl, $-S-C_{6-14}$-aryl, $-SO_3H$, $-SO_2C_{1-6}$-alkyl,
$-SO_2C_{6-14}$-aryl, $-OSO_2C_{1-6}$-alkyl, $-OSO_2C_{6-14}$-aryl,
-COOH, $-(CO)C_{1-5}$-alkyl, $-COO-C_{1-5}$-alkyl, $-O(CO)C_{1-5}$-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by

mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C_{6-14}-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -C_{1-6}-alkyl,
-OH, -NH_2, -NHC_{1-6}-alkyl, -$N(C_{1-6}$-alkyl$)_2$, -NO_2, -CN, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -S-C_{1-6}-alkyl,
-SO_3H, -SO_2C_{1-6}-alkyl, -OSO_2C_{1-6}-alkyl, -COOH,
-(CO)C_{1-5}-alkyl, -COO-C_{1-5}-alkyl or/and –O(CO)C_{1-5}-alkyl, and where the alkyl groups on the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by –OH, -SH, -NH_2, -F, -Cl, -Br, -I, -SO_3H or/and
–COOH, or

(ii) is –C_{2-10}-alkenyl, mono- or polyunsaturated, straight-chain or branched-chain, optionally mono- or polysubstituted by –OH, -SH, -NH_2, -NHC_{1-6}-alkyl, -$N(C_{1-6}$-alkyl$)_2$, -NHC_{6-14}-aryl, -$N(C_{6-14}$-aryl$)_2$, -$N(C_{1-6}$-alkyl$)(C_{6-14}$-aryl), -NO_2, -CN, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -O-C_{6-14}-aryl, -S-C_{1-6}-alkyl, -S-C_{6-1}-aryl, -SO_3H, -SO_2C_{1-6}-alkyl, -SO_2C_{6-14}-aryl, -OSO_2C_{1-6}-alkyl, -OSO_2C_{6-14}-aryl, -COOH, -(CO)C_{1-5}-alkyl, -COO-C_{1-5}-alkyl or/and -O(CO)C_{1-}-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C_{6-14}-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -C_{1-6}-alkyl,
-OH, -NH_2, -NHC_{1-6}-alkyl, -$N(C_{1-6}$-alkyl$)_2$, -NO_2, -CN, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -S-C_{1-6}-alkyl, -SO_3H, -SO_2C_{1-6}-alkyl, -OSO_2C_{1-6}-alkyl, -COOH,
-(CO)C_{1-5}-alkyl, -COO-C_{1-5}-alkyl or/and –O(CO)C_{1-5}-alkyl,

and where the alkyl groups on the carbocyclic and heterocylic substituents in turn may optionally be substituted one or more times by –OH, -SH, -NH_2,
-F, -Cl, -Br, -I, -SO_3H or/and –COOH,

R^2 is hydrogen or $-C_{1-3}$-alkyl,

R^3 is a hydroxyl group,

R^4 and R^5 may be identical or different and are hydrogen, $-C_{1-6}$-alkyl, -OH, -SH, $-NH_2$, $-NHC_{1-6}$-alkyl, $-N(C_{1-6}$-alkyl$)_2$, $-NO_2$, -CN, $-SO_3H$, $-SO_3-C_{1-6}$-alkyl, -COOH, $-COO-C_{1-6}$-alkyl, $-O(CO)-C_{1-5}$-alkyl, -F, -Cl, -Br, -I, $-O-C_{1-6}$-alkyl, $-S-C_{1-6}$-alkyl, -phenyl or –pyridyl, where the phenyl or pyridyl substituents in turn may optionally be substituted one or more times by $-C_{1-3}$-alkyl, -OH, -SH, $-NH_2$, $-NHC_{1-3}$-alkyl, $-N(C_{1-3}$-alkyl$)_2$, $-NO_2$, -CN, $-SO_3H$,
$-SO_3C_{1-3}$-alkyl, -COOH, $-COOC_{1-3}$-alkyl, -F, -Cl, -Br, -I, $-O-C_{1-3}$-alkyl, $-S-C_{1-3}$-alkyl, or/and $-O(CO)C_{1-3}$-alkyl, and where the alkyl substituents in turn may optionally be substituted one or more times by –OH, -SH, $-NH_2$, -F, -Cl, -Br, -I, $-SO_3H$, $-SO_3C_{1-3}$-alkyl, -COOH, $-COOC_{1-3}$-alkyl, $-O-C_{1-3}$-alkyl, $-S-C_{1-3}$-alkyl or/and $-O(CO)-C_{1-3}$-alkyl,

~~or~~ and salts thereof ~~of the compounds of formula 1~~.

2. (currently amended) A compound as claimed in claim 1 having ~~an~~ at least one asymmetric carbon atom in the D form, the L form and D,L mixtures, and in the case of a plurality of asymmetric carbon atoms also the diastereomeric forms.

3. (currently amended) A compound as claimed in claim 1 ~~or 2,~~ wherein R^2 is hydrogen or a methyl group.

4. (currently amended) A compound as claimed in ~~one of claims 1 to 4~~, claim 1 wherein at least one of R^4 and R^5 is a halogen atom.

5. (currently amended) A compound as claimed in ~~any of claims 1 to 4 selected from~~ claim 1 selected from the group consisting of:

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-chlorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,4-dichlorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[5-hydroxy-1-(3-nitrobenzyl)-indol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,6-difluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(5-hydroxy-1-isobutylindol-3-yl)glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(1-cyclopropyl-methyl-5-hydroxyindol-3-yl)glyoxylamide;

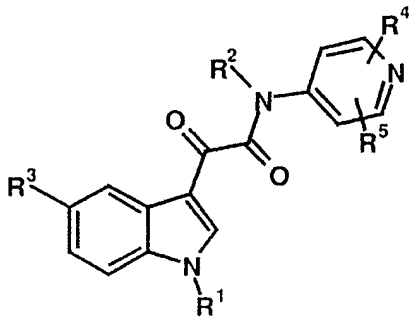
N-(3,5-dichloro-1-oxopyridin-4-yl)-[5-hydroxy-1-(4-hydroxybenzyl)-indol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-N-methyl-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

and physiologically tolerated salts thereof.

6. (currently amended) ~~A~~ The compound ~~as claimed in any of claims 1 to 5 selected from:~~ of claim 1 that is N-(3,5-Dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide ~~and physiologically tolerated salts thereof~~.

7. (currently amended) A process for preparing a compound of claim 1, comprising ~~compounds of formula 1, which comprises~~ converting N-(pyridine-4-yl)-indol-3-ylglyoxylamides of ~~formula 2~~ formula 2



(2)

wherein R^3 is $-OR^6$, and R^6 is a leaving group;

into the analogous N-(1-oxopyridin-4-yl)-indol-3-ylglyoxylamides of formula 1 ~~1~~ by treatment with an oxidizing agent, and liberating the compounds of formula 1 ~~formula 1~~ by eliminating a protective group.

8. (currently amended) The process as claimed in claim 7, wherein ~~a peracid, in particular m-chloroperbenzoic acid or/and peracetic acid, is used as~~ said oxidizing agent is at least one of a peracidor a peracetic acid.

9. (currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders in which inhibition of~~ A method of treating a disorder associated with phosphodiesterase 4 ~~is therapeutically beneficial~~ in a subject comprising administering a therapeutically effective amount of the compound of claim 1 to a subject in need thereof.

10.(currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders~~ A method of treating a disorder associated with the effect of eosinophils

in a subject comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the disorder associated with eosinophils.

11.(currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders~~ A method of treating a disorder associated with the effect of neutrophils comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the disorder assocaited with neutrophils.

12.(currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of~~ A method of treating a hyperproliferative disorders in a subject comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the hyperproliferative disorder.

13.(currently amended) A ~~drug product~~ pharmaceutical composition comprising at least one compound ~~one or more compounds~~ as claimed in ~~any of claims 1 to 6 in addition to~~ claim 1 and at least one of a conventional physiologically tolerated ~~carriers and/or diluents and excipients~~ carrier, diluent and excipient.

14.(currently amended) A process for producing a ~~drug product~~ pharmaceutically composition as claimed in claim 13, ~~which comprises one or more compounds~~ comprising admixing at least one compound as claimed in ~~any of claims 1 to 6 being processed~~ with at least one of a conventional pharmaceutical ~~carriers and/or diluents and other excipients to pharmaceutical preparations, or being converted into a form which can be used therapeutically~~ carrier, diluent and excipient.

15.(currently amended) ~~The use of compounds of the general formula 1 as claimed in any of claims 1 to 6 and/or of drug products as claimed in claim 13 alone or in combination with one another or in combination~~ A method of treating a disorder in a subject comprising administering a compound according to claim 1 to a subject with at least one other active pharmaceutical ~~ingredients~~ agent.

16.(new) A compound as claimed in claim 2 wherein R^2 is hydrogen or a methyl group.

17.(new) The compound of claim 1 that is a physiologically acceptable salt of N-(3,5-Dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide.

18.(new) The process of claim 7, wherein said oxidizing agent is m-chloroperbenzoic acid.

19.(new) A method of treating a disorder in a subject comprising administering a pharmaceutical compositing according to claim 13 to a subject with at least one other active pharmaceutical agent.